

**CITY OF NEWBERG CITY COUNCIL MINUTES
NOVEMBER 2, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting at 6:00 p.m. An update was given by the City Code Enforcement Officer. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:02 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton (arrived at 6:09 PM)
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Frank Douglas, Division Chief/EMS Coordinator	Les Hallman, Fire Chief
	Howard Hamilton, Public Works Director	Janelle Nordyke, Finance Director
	Jessica Nunley, Assistant Planner	Norma Alley, City Recorder
	Jennifer Nelson, Recording Secretary	

Others

Present: Darlyn Adams, Louis Martinez, Mike Gougler, Charles Cox, Curtis Walker, Dennis W. Gaibler, Michael Sherwood, Scott Simmons, Mike Willcuts, Robert Migllori, George Duvendack, and Jackie Lang

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of the Fire Department's Turkey Carnival on November 13 and 14, 2009, at Station 20 starting at 6:00 PM. He mentioned an executive order he circulated in regards to the flu outbreaks and reinforcing the City's policy and procedures for handling staff that become ill. He said Chehalem Youth and Family Services (CYFS) will be having a Light the Night lunch coming up and he will also be attending a conference in Salem this Wednesday afternoon to discuss government agencies using social media like Facebook.

V. PUBLIC COMMENTS

Ms. Darlyn Adams, Newberg Animal Shelter Friends (NASF), spoke of her founding the NASF ten years ago to raise funds to build a new animal shelter and the recent groundbreaking. She spoke of her plans to do more traveling in future which will make her unavailable to actively participate on the board; her official resignation from NASF will be January 1, 2010. She said she will remain on the Budget Committee but she will also be resigning from the City Club and the Old Fashioned Festival Committee (see official meeting packet for full report).

Mayor Andrews offered thanks and appreciation to her on behalf of himself and the City Council for her service to the City.

VI. CONSENT CALENDAR

1. Presentation honoring Louis Martinez for his life saving efforts of another citizen.
2. Consider a motion approving City Council Minutes for October 5, 2009.

MOTION: Larson/Rierson to approve the Consent Calendar including a presentation honoring Louis Martinez for his life saving efforts of another citizen and the City Council Minutes for October 5, 2009 as amended. (7 Yes/0 No) Motion carried.

Mayor Andrews presented an award to Mr. Louis Martinez for his life saving efforts of a fellow citizen. Mr. Les Hallman, Fire Chief and Mr. Frank Douglas, Division Chief/EMS Coordinator, also congratulated Mr. Martinez and made comments on his efforts.

VII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2009-2720** amending the Newberg Development Code creating and implementing a new M-4 Industrial Zoning District and a new II Interim Industrial Overlay Zoning District; and approving **Resolution No. 2009-2872** accepting the South Industrial Area Master Plan.

TIME – 7:13 PM

Mayor Andrews introduced the hearing and called for an conflicts of interest or abstentions; none stated.

Ms. Jessica Nunley, Assistant Planner, presented the staff report and recommended adoption of the ordinance and the resolution (see official meting packet for full report).

Mayor Andrews referred to page 22, section 14 and asked for further explanation of exceptions for Planned Utility Development (PUD) in the body of the code changes. Staff replied there are no exceptions to doing a PUD unless you want to have a twenty (20) acre sized parcel; if you want to create an all metal manufacturing park by dividing the 20 acres into a ten (10) acre parcel and 10 one-acre parcels it would be determined through a PUD process. Mayor Andrews also asked for further explanation of section 15 concerning no allowance for private streets to be created to provide frontage or access. Staff replied the code does not allow private streets in any residential, commercial, or industrial areas; this would be the only exception if a street was needed to provide synergy between parcels for equipment transport within the parcel.

A brief explanation of the total number of industrial acres (114) needed and the proposed acreage (158) to be included in the Urban Growth Boundary (UGB) for the next 20 years was also given.

Councilor Marc Shelton stated that Newberg currently has housing developments on Springbrook Road with private roads. Staff stated they are public streets there, although there are a number of private roads in the community that were created before the decision was made ten years ago to no longer allow them; one exception was in the airport area because of planes and cars sometimes being on the same road.

Councilor Wade Witherspoon asked staff for more of an explanation of the neighborhood center. Staff explained the main concept was for this center to support the commercial areas so employees do not

have to go downtown for lunch; it is not intended for as a destination. Councilor Witherspoon also wished to know what entity would be responsible for creating and maintaining the walkway. Staff said they were still having discussions with Chehalem Park and Recreation District (CPRD) about trails and easement dedication, but CPRD would most likely be responsible.

Mayor Andrews opened the public hearing and public testimony by calling forth the first proponent.

Mr. Mike Gougler stated he was a proponent of the South Industrial Area Master Plan as proposed and recommended by staff. He spoke of UGB concerns and land use laws controlling Newberg's actions. He emphasized that everything must be balanced by requiring cities to maintain inventory of developable properties for economic viability and livability.

Mr. Charles Cox spoke from the perspective of a business owner that outgrew his space two years ago and had great difficulty finding a two-acre lot of suitable land in Newberg to relocate his expanding business. He is very much in favor of this industrial plan as he is ready to expand his business again and he would like to have space for himself and other businesses to stay and grow in Newberg; he strongly recommended Council to move forward with this.

Mr. Curtis Walker also strongly recommended adopting this plan as he is a partial owner on the land Mr. Cox was talking about and he agrees that surveys have proven again and again that citizens' are looking for a place where they can live and work. He felt there was a lot of good communication and hard work on this plan. He said in order for Newberg to be competitive and encourage good jobs in our community, it is important to have parcels ready to go so businesses have a place to relocate and expand.

Mr. Dennis W. Gaibler spoke on behalf of himself and his father, who is the owner of property that is a substantial portion of the first part of the plan. He asked his dad why he wanted to do this and was told it was because he had an undying gratitude to Newberg for a good life in a good community and he wants to see that others have the same opportunity to live and grow here as well. For himself, his decisions on where to live are always based on the location of his employment and it is important to listen to what citizens want: to live, work, and shop in one community. He commends the work done and supports the plan.

Mr. Michael Sherwood offered thanks for all the hard work so far and spoke of growing up in a small community. He believed businesses are the necessary components for any small town to survive because they provide jobs so people can work, live, socialize, and give back to the community. He endorses this plan and thanked the Planning Commission (PC) and all involved for their time and efforts.

Mr. Scott Simmons, Vice-President of Operations for Climax Portable Machine Tools, stated his company enjoys being a manufacturer in the community and strives for high job satisfaction and security for their employees. They intend to grow in this community and need solid infrastructure to do this; this plan takes the steps towards supporting Climax's goals and their workers.

Mr. Mike Willcuts stated the City has an amazing planning staff; he agrees with and supports this plan.

Mr. Robert Migllori, Vice-President of Voltair Wind & Power, Inc., spoke of his company and their goals to build a small manufacturing facility in Newberg for production of wind turbines like the test one they have on Chehalem Mountain. He spoke of his experiences trying to locate suitable property for their needs and the tremendous shortage of available land of this type in Newberg for businesses to locate or stay here. He said he was not extremely familiar with the entire plan but did suggest that the City consider allocation of at least one of the twenty acre parcels for smaller development so businesses

with smaller land needs do not have to go through a cumbersome PUD process. He supports the plan and hopes the Council moves forward with it.

Mayor Andrews closed the public testimony. Staff recommended adopting both the ordinance and the resolution.

Councilor Stephen McKinney commended the staff on the work done.

Councilor Bob Larson referred to pages 23-25 of the master plan and the smaller acreage concept alternatives as suggested during testimonies. Staff said they anticipated smaller lots to accommodate those types of situations and some zoning for smaller businesses would be created during the development process.

Discussions followed about creating M4 classifications, which phase will run into the land owned by CPRD, and areas located within the hundred year flood plane.

Mayor Andrews closed the public hearing.

MOTION: Larson/Shelton to approve **Ordinance No. 2009-2720** amending the Newberg Development Code creating and implementing a new M-4 Industrial Zoning District and a new II Interim Industrial Overlay Zoning District, read by title only.

Councilor Bart Rierson stated he found the plan refreshing, well-thought, and thoroughly planned. He spoke of some negative responses in the local newspaper being contrasted to the overwhelming support present at the public hearing. He liked that this would provide an opportunity for businesses to expand here as well as for new businesses to come. He supports both the ordinance and the resolution.

Councilor Shelton spoke of being on the advisory group for the Portland Community College (PCC) project and the difficulty finding a ten acre parcel which pushed back planning until 2011. He felt it was smart for the City to look at this now so the same problem does not occur twenty years from now. He fully supports the plan.

Councilor Denise Bacon supports the plan because of the need to bring jobs to Newberg by having a ready labor force, opportunities for further education with colleges, and to have shovel-ready ground.

VOTE: To approve **Ordinance No. 2009-2720**. (7 Yes/0 No) Motion carried.

MOTION: Rierson/Larson to approve **Resolution No. 2009-2872** accepting the South Industrial Area Master Plan. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 8:19 PM.

2. Consider a motion approving **Ordinance No. 2009-2721** amending the Transportation System Plan, modifying the cost of Highway 219/2nd Street Improvement Project, and modifying the Transportation System Development Charge.

TIME – 8:22 PM

Mayor Andrews introduced the hearing and called for conflicts of interest or abstentions.

Councilor Rierson stated he is employed by Climax, which is part of the project to do improvements to Hwy 219. He did not think it would be an issue, but he wanted to declare this just in case.

Mr. Howard Hamilton, Public Works Director, clarified this item is not tied together with Climax at this time and presented staff report (see official meeting packet for full report).

Councilor Shelton asked for more detail about the modification of the angle at Hwy 219. Staff stated they would be fixing the orientation of the intersection so lights and crosswalks would work which was put into plan with the adoption of the Transportation System Plan (TSP) from May 2005 and needed to be completed within a certain window of time, negotiations have occurred with the Oregon Department of Transportation (ODOT) and some things came back that were not anticipated. It is anticipated that orientation issues have brought the costs up which will be paid for by System Development Charges (SDCs) and staff will return with those costs.

Councilor Rierson spoke of the developer being eligible for credits and if it is paid for by the City of Newberg and if Everest Street was included in these improvements. Staff said it was involved with the Orchards Lair and Hess Creek projects and the City is a part of it with staff time and with some of the sidewalk. Everest Street is not currently a part of this project.

Councilor Witherspoon spoke of the funds for the new signal not being a part of the original TSP and where the funding is coming from. Staff stated the developers are responsible for 30% and the rest is to be covered by the City at large with continued SDC involvement.

Councilor Larson asked about the timing on 2nd Street improvements and the Hwy 219 barrier. Staff said it is to be completed by June 30, 2010 while the Climax/2nd Street/Hwy 219 project to Springbrook will be within the same window of completion. Everest Street is a longer term project.

Councilor McKinney said he was glad some attention was being brought to the Everest Street project because of the number of near misses occurring weekly, plus the recent big accident there.

Mayor Andrews told staff to keep Council updated on their communications with ODOT about this project so they can assist in encouraging cooperation to get this project completed and make this area safer.

Mayor Andrews opened and closed public testimony as no citizens appeared to comment. Staff recommend approval and the public hearing was closed.

MOTION: McKinney/Shelton to approve **Ordinance No. 2009-2721** amending the Transportation System Plan, modifying the cost of Highway 219/2nd Street Improvement Project, and modifying the Transportation System Development Charge, read by title only. (7 Yes/0 No) Motion carried.

3. Consider a motion to postpone the Public Hearing for CBS sign appeal to December 7, 2009.

TIME – 8:40 PM

MOTION: Larson/Rierson to postpone the Public Hearing for CBS sign appeal to December 7, 2009. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2009-2873** authorizing a water service connection to 1409 Sandoz Road for the Newberg Animal Shelter.

TIME – 8:41 PM

Mr. Hamilton presented the staff report (see official meeting packet for full report).

MOTION: Rierson/Shelton to approve **Resolution No. 2009-2873** authorizing a water service connection to 1409 Sandoz Road for the Newberg Animal Shelter. (7 Yes/0 No) Motion carried.

IX. COUNCIL BUSINESS

Presentation from Jackie Lang regarding the Riverbend Landfill.

TIME – 8:45 PM

Mr. George Duvendack, District Manager Riverbend Landfill, presented a report including a handout (see official meeting packet for full report).

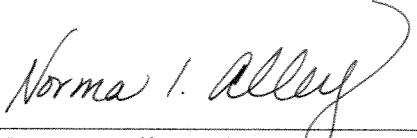
Discussion commenced on the Library Director's request to close the Public Library on March 26, 2010, for staff training and a national library conference. There was discussion around the concern of students needing to be use the Library during spring break to finish projects before returning to school and ways to mitigate the concern.

MOTION: Rierson/Larson to approve the closure of the Newberg Public Library for staff to attend a conference and for the Council to receive a report from the Library Director after the conference. (7 Yes/0 No) Motion carried.


X. ADJOURNMENT

The meeting adjourned at 9:00 PM.

ADOPTED by the Newberg City Council this 7th day of December, 2009.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 10th day of December, 2009.


Bob Andrews, Mayor